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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION TWO

In re F.K. et al., Persons Coming Under
the Juvenile Court Law.

SAVANNAH L.,

Petitioner,

v.

SUPERIOR COURT OF SONOMA
COUNTY,

Respondent;

SONOMA COUNTY HUMAN
SERVICES DEPARTMENT,

Real Party in Interest.

A156346

(Sonoma County Super. Ct.
Nos. DEP-4236 & DEP-4237)

Petitioner Savannah L. (Mother), mother of eight-year-old F.K. and six-year-old S.K., seeks review by extraordinary writ, pursuant to California Rules of Court, rule 8.452, of the juvenile court's orders terminating her reunification services and setting the matter for a permanency planning hearing, pursuant to Welfare and Institutions Code section 366.26.¹ Mother contends substantial evidence does not support the juvenile court's finding that the Sonoma County Human Services Department/Family Youth and

¹ All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

Children Services (Department) provided her with reasonable services in light of the Department's delay in referring Mother to sexual abuse counseling services, which were central to her ability to address the primary issue in the case. We shall deny the petition for extraordinary writ.

FACTUAL AND PROCEDURAL BACKGROUND²

On July 5, 2013, the Department filed an original petition alleging that then 3-year-old F.K. and 11-month-old S.K. came within the juvenile court's jurisdiction, pursuant to section 300, subdivision (b), based on Mother's failure to comply with a voluntary case plan in that she had tested positive for marijuana and a drug test was dilute. In addition, the "parent's" home was found to be unsafe due to the presence of loose marijuana, marijuana plants, and smoking paraphernalia, all within the children's reach.³ The children's father C.K. (Father) had been arrested in August 2011, for marijuana cultivation.

Mother agreed to a voluntary family reunification plan and to have the case transferred to Sonoma County. Thereafter, Mother tested positive for marijuana in violation of her voluntary services agreement.

In an August 12, 2017 jurisdictional/dispositional report, the Department recommended that the children be returned to Mother under a family maintenance program and that Father not be permitted to live in the home. In an August 15, 2013 supplemental report, the social worker reported that Mother, who said she had a medical marijuana card, did not appear to have a substance abuse problem. In a follow-up report filed on August 15, 2013, the social worker reported that F.K. had a heart condition that required surgery and that Mother had delayed some six months in following up on a

² We have granted Mother's unopposed request for judicial notice in the related appeal in case No. A154789, which includes the juvenile court record in this matter from the period between July 2013 and July 2018.

³ The home where the marijuana and paraphernalia were found belonged to F.K. and S.K.'s father, and Mother and the two children were visiting him. Father is not a party to this writ petition.

referral to a cardiologist. The cardiologist did not believe F.K.'s condition had worsened due to the delay, but did believe the surgery should be performed in the next few months. Mother wanted to understand the condition and the risks of surgery before making a decision.

In a September 17, 2013 addendum report, the social worker reported that the children had been released to Mother on August 27, and that Mother had been cooperative with all aspects of her case plan. The Department requested that the matter be dismissed, with the agreement that Mother would obtain a family law custody order granting her full physical and legal custody of the children. Father would be granted supervised visitation. On September 18, 2013, the parties agreed that an appropriate stipulation would be filed in family court, and the petition was dismissed.

More than three years later, on February 10, 2017, the Department filed a new petition alleging that then six-year-old F.K. and four-year-old S.K. came within the juvenile court's jurisdiction, pursuant to section 300, subdivision (b)(1) as to F.K., based on Mother's failure "to follow through with lifesaving heart surgery" for F.K., and pursuant to section 300, subdivision (j) as to S.K., based on Mother's failure to obtain necessary medical treatment for F.K.

On February 14, 2017, the court ordered only F.K. detained.

In a jurisdiction report filed on March 2, 2017, the social worker reported that Mother did not think F.K.'s condition warranted surgery, given that she had observed no symptoms. She had been feeding him well and treating him with hawthorn berries, at the recommendation of a naturopath. Mother expressed skepticism about the cardiologist's recommendations and diagnostic procedures. The social worker reported that F.K. had "a complete atrioventricular septic defect, a large hole in the central wall of his heart." According to the cardiologist, his heart had been damaged and, if left untreated, would definitely lead to heart disease in the future. F.K. had also seen a dentist, who said that his heart health was further complicated by a severe dental condition caused by decay and cracked teeth, which would require seven crowns and five extractions.

The social worker described Mother as “a study in contradictions,” in that she showed that she cared deeply about the health of her children, going to great lengths to provide them with healthy, organic food, while remaining unable to accept the gravity of F.K.’s medical condition and the failure to provide him with dental care. The social worker concluded that Mother’s “judgment is critically impaired and she is unable to make informed and reasonable decisions regarding the health of her children.”

On March 6, 2017, Mother agreed to submit to jurisdiction and the court found true the allegations in the petition, as amended, as to F.K. only

On April 14, 2017, the Department filed a request for a protective custody warrant for S.K., reporting that Mother had been completely uncooperative in working with the Department to assess S.K.’s health. The Department also reported that Mother had placed S.K. in the care of S.K.’s great-grandmother and her husband in San Bernardino County. Two of the great-grandmother’s daughters had reported that she was physically abusive to them and to a grandson. One of the great-grandmother’s daughters had reported that the great-grandmother’s husband had “devised a peep hole in their bathroom and would observe her while she showered.”⁴ The great-grandmother and her husband had refused to cooperate with the social worker or provide any information about medical or dental examinations. The court issued the protective custody warrant on that same date.

On April 17, 2017, Dr. Gloria Speicher, a clinical psychologist, filed a report regarding a psychological evaluation she had conducted with Mother. Dr. Speicher found that Mother strongly desired reunification, but “she is very poorly motivated for change or intervention. She lacks insight. She has limited understanding of her thoughts and feelings and situation.” Dr. Speicher believed that Mother’s prognosis was “poor or guarded” because Mother “either chooses not to acknowledge her difficulties to others or is unable to be aware of them herself. Both of these options interfere with her ability to

⁴ This daughter was the maternal great-aunt of the children, with whom F.K. was currently placed.

accept help. . . .” Dr. Speicher concluded, “Unfortunately, there is very little evidence that this behavior will do anything other than continue.”

At a May 4, 2017 hearing, Mother advised the court that following a short trip with her grandmother, the grandmother had let S.K. go for a visit with Father, despite the fact that there was a warrant out for S.K.

On May 12, 2017, the Department filed a second amended petition as to S.K., with allegations under section 300, subdivision (b)(1), as well as subdivision (j). The petition alleged that Mother had failed to provide necessary dental treatment, requiring two extractions and restorations on 11 of S.K.’s 20 teeth; that Mother had temporarily placed her with caretakers who had histories of child abuse or child endangerment; and that, despite a court order for protective custody of S.K., Mother had facilitated her “being passed from relative to relative,” including the great-grandmother, the grandmother, and Father, all of whom had histories of child abuse or endangerment.

On June 5, 2017, the court ordered the Sonoma County District Attorney’s Office, with the assistance of law enforcement, to begin an investigation for the purpose of finding S.K. and returning her to the jurisdiction of the court. The court set a hearing to determine whether to hold Mother in contempt for willful violation of the order to return S.K. to the Department.

On June 15, 2017, the Department filed a third amended petition regarding S.K., adding allegations under subdivision (b)(1) of section 300, that S.K. had been diagnosed with a cardiac murmur that was assessed to likely be the result of her vegetarian diet and possible anemia.

Mother had brought S.K. to the Department’s office on June 13, 2017, and on June 16, the court ordered S.K. detained.

On June 26, 2017, following the dispositional hearing for F.K., the court declared F.K. a dependent of the court and ordered him removed from parental custody. The court ordered reunification services for Mother, but not for Father.

On July 24, 2017, following a jurisdictional/dispositional hearing for S.K., the court found true the allegations in the third amended petition, declared S.K. a dependent

of the court, and ordered her removed from parental custody. It also ordered reunification services for Mother, but not for Father.

On October 26, 2017, the Department filed subsequent petitions, pursuant to section 342, alleging that F.K., S.K., and their half sibling, had been sexually abused or were at substantial risk of sexual abuse.⁵ With respect to F.K. and S.K., the petition alleged that Mother had exposed them to “multiple pornographic films depicting child on child sexual encounters, while sharing a bed with her boyfriend (boyfriend) (father of half sibling), and one or both of the minors, over an extended period of time,” as revealed in two forensic interviews with F.K. As a result of exposing F.K. to child sexual abuse, F.K. “has engaged in sexualized behavior directed at other children, including his sibling.”⁶

On November 9, 2017, the Department filed a supplemental petition under section 387 as to S.K. only, alleging that as a result of child sexual abuse, F.K. had engaged in sexual behavior directed at other children, including S.K., which had increased in recent weeks. Because the Department believed that S.K. could no longer safely remain in the same foster home as F.K., it recommended that S.K. be moved to a separate foster home.

⁵ On June 23, 2017, the Department had filed an original petition alleging that Mother’s one-month-old son (son of Mother’s current boyfriend)—came within the juvenile court’s jurisdiction, pursuant to section 300, subdivision (j), based on the abuse and/or neglect of F.K. and S.K. On July 27, 2017, Mother and boyfriend submitted to the Department’s recommendation that the court find the one month old a dependent of the court in the custody of his parents, under the supervision of the Department, which would provide family maintenance services, and the court so ordered. This child is not a subject of this writ petition.

⁶ Both children had been placed with the maternal great-aunt, who had reported the sexual behavior and disclosures to the Department. During a September 2018 meeting with Department staff, F.K. had said that before his great-aunt told them to stop, he and his sister would get up at night so that they could play and “ ‘do stuff,’ ” but he did not want to discuss it further. He also said that he got the idea to put his mouth on S.K.’s privates from movies he watched at Mother’s house, in bed with Mother, S.K., and “the guy.” F.K. also reported that he had witnessed a boy having sex with S.K. at the Sundance Native American festival he and S.K. attended with Father. He said he told his parents about this incident, but they did not do anything.

On November 13, 2017, the court ordered S.K. detained in shelter care.

In an amended subsequent petition filed on November 16, 2017, the Department added allegations that F.K. had disclosed during a November 15 forensic interview that he had performed sexual acts on adults and children at the direction of Father and Mother's boyfriend. He also reported that he had been recorded by both men while performing such acts, that S.K. was directed to perform sexual acts on adults and was also recorded, and that Mother "was present and involved during many of these incidents."

In a report on the subsequent petitions, filed on January 9, 2018, the social worker described additional recent sexual abuse allegations, which involved F.K. and S.K. being sexually abused by Father and his girlfriend while staying with them in Oregon. The allegations included Father's girlfriend telling F.K. to put his finger in her vagina and his mouth on her vagina while Father videotaped them from behind a curtain and girlfriend instructing F.K. to perform sexual acts on a younger female child who was present, while Father filmed the children from behind a curtain. The social worker reported other sexual abuse allegations, including F.K. and S.K. attending a festival in 2015 with Father, where F.K. witnessed a slightly older boy having sexual intercourse with S.K., after which F.K. told Mother, who did nothing. Other allegations included Mother's boyfriend directing F.K. to go into a room alone and take pictures of his own penis using Mother's phone; F.K. being in bed with Mother and boyfriend. and watching movies depicting sexual acts between young children; and boyfriend asking F.K. to videotape Mother rubbing her vagina against the bed while Mother was naked from the waist down and boyfriend "stood next to the bed posing." Both children had participated in forensic interviews at the Redwood Children's Center; F.K. had done so on multiple occasions.

The social worker further reported that there were concerns about F.K.'s mental health due to his being "obstinate and stubborn at times when told 'no' to the point that he causes harm to himself or others around him." F.K. had also displayed age-inappropriate behavior, including excessive masturbation, stating that he wanted to see "the 'tooshies' " (his name for vagina) of S.K. and other young girls, and acting out

sexual behaviors on S.K., including—according to F.K.—orally copulating her and touching her “tooshy.” F.K. was scheduled to begin individual therapy in Sonoma County, but when his placement was changed in November 2017 to Contra Costa County, a new therapist had to be found, and F.K. was scheduled to start meeting with the new therapist in January.

Given the recent disclosures about sexual abuse and F.K.’s conduct with S.K., S.K. had begun weekly individual therapy.

The Department recommended that Mother continue to receive family reunification services as to F.K. and S.K.

On January 10, 2018, the Department filed a second amended subsequent petition as to F.K. and S.K., which contained more specific allegations regarding the sexual abuse already alleged.

On March 20, 2018, the social worker filed a status review report in which she reported that F.K. had been placed with a nonrelated extended family member (NREFM) in Contra Costa County on December 8, 2017, and S.K. had been placed in emergency foster care in Sonoma County.⁷

F.K. had undergone open heart surgery in September 2017, to repair the defect in his heart. The surgery had been only a partial success due to the extent of existing damage to the valve. He also had had dental surgery under general anesthesia in July 2017.

S.K.’s heart murmur had been found to be presently “innocent” and a treatment plan had been developed to address her dental issues. She would require six crowns, two fillings, and five extractions to repair her dental decay.

Mother had reported that she and her boyfriend did not consider Sonoma County their home and hoped to have the dependency case dismissed or transferred to San Bernardino County, where her support network—including her grandparents and mother—lived.

⁷ Mother and her boyfriend’s new baby remained in their care.

The Department recommended that Mother continued to be provided reunification services as to both children.

The contested hearing on the supplemental petitions took place over five days, between April 13 and May 18, 2018. Mother's boyfriend testified that he had never seen sexualized behavior from either F.K. or S.K. and had never watched movies with a rating beyond PG with the children. Nothing that F.K. said about boyfriend and Mother in the forensic interviews with respect to sexual activity was true.

Mother's boyfriend testified that he had previously been present for some supervised visits between F.K., S.K., and Father. In approximately 2016, Mother had occasionally left the children with Father for a day of unsupervised visitation in Oregon.

F.K.'s NREFM foster mother testified that F.K. had been in her home since December 2017. F.K. told her he had acted out sexually with S.K. once while at his great-aunt's house. He had learned this activity from a boy at the Sundance Native American festival that he and S.K. had attended with their father. His great-aunt said he had learned it from Mother and Father's girlfriend, but this was a lie. The foster mother had never seen F.K. masturbate. He had, however, regularly gotten very angry and acted out verbally and physically. She did not believe that his behavior had improved in the time he had been placed in her home.

Mother testified that she had never exposed her children to any kind of pornography and had not engaged in any sexual conduct in front of them. She had only recently learned of the allegations of sexual conduct involving Father and his girlfriend. When asked whether she believed the allegations, Mother testified that "it was hard to decide, you know, to believe or not to believe because it was hearsay" that she had heard through the Department. There was nothing in her relationship with Father that would cause concern that the allegations could be true. She believed F.K. needed to continue with therapy and that more information was needed because "there's so many inconsistencies with some of the stories." However, Mother did not think F.K. and S.K. should visit with Father because "there's serious concern that something's definitely happened to my son." Based on the foster mother's information, Mother believed the

children had not been properly supervised while with Father, with whom they had unsupervised visits on occasion. Mother denied that F.K. had told her that something inappropriate had happened at the Sundance festival.

Mother had viewed some of the forensic videos in which F.K. made allegations of sexual activity. When asked whether there were some allegations that seemed improbable or impossible, Mother responded that something that stood out was when F.K. said he had taken pictures of her rubbing her genitals on a bed, and in “part of the video . . . he’s describing an incident that he says had occurred with me and [boyfriend], he says that he went on his head and he did a headstand or a handstand and he held the phone with his foot and continued to take pictures” with his feet. F.K. also said his grandmother was present during this activity, which also was “an unlikely scenario.”

Mother had completed a two-hour online course called “Reducing the Risk of Child Sexual Abuse,” and described what she had learned in the course. She wanted F.K. and S.K. to participate in a program for sexual abuse victims and had started compiling a list of local resources. Mother now believed that F.K. was sexually abused since he had “learned these things from somewhere.” She believed “he was exposed to either direct or indirect sexual abuse. Sexual abuse, possibly content. It could have been pornography. It could have been children. It could have been adults. It could have been both.” But she did not know if any of the stories he had reported about what happened to him had actually occurred. She did not know if S.K. had been sexually abused.

Mother believed it was her responsibility to educate herself and her children to help the children heal and to prevent them from being exposed to any sexual abuse. Mother did not believe it was her fault that her child was sexually abused and she had no reason to know her children were at risk when she sent them to be with Father.

On May 18, 2018, at the conclusion of the hearing on the subsequent petitions, the court ruled as follows: “There is no doubt that something happened to the six—seven-year-old child. The acting out behavior that was witnessed by the [NREFM foster mother] and others is—is alarming. Obviously the contact in the aunt’s home is disturbing. The question is: What is the cause of all of this?”

“I do believe, by a preponderance of the evidence, that the child was molested. I do believe the child is in the video [*sic*]. There are aspects of the video that, obviously, cannot be reconciled, but that does not detract from the nature and quality overall of the video itself. I do find it’s credible when the child described the filming of his mother. When he portrayed his mother by using his hands and how she was posing, I do find that to be credible.” The court then found the allegations of the subsequent petition true and ordered the matter continued for an 18-month review hearing.⁸

The court also addressed Mother’s request to transfer the case to San Bernardino, stating: “I have suggested . . . many times that if the parents are going to be successful, they should have the best support network around them, and that appears to be the San Bernardino support network.” The court stated that it was willing to sign a transfer order as soon as Mother and her boyfriend established that they were actually living in San Bernardino County.

On July 9, 2018, Mother filed a notice of appeal from the court’s orders on the subsequent petitions as to F.K., S.K., and their half sibling. Also on July 9, 2018, boyfriend filed a notice of appeal from those orders as to his child.⁹

On September 28, 2018, the maternal grandmother filed a section 388 petition for modification, requesting that F.K. be placed in her home. On October 1, 2018, Mother filed a section 388 petition for modification, requesting sibling visitation for her three children.

In reports filed on October 9 and 31, 2018, for the 18-month status review hearing, the social worker reported that on September 28, F.K. had been moved from one home placement, where he had been since May, to another, due to his increasingly violent behavior toward other residents and staff. S.K. remained in the emergency foster home where she had been placed in November 2017.

⁸ The court also ordered the children’s half sibling removed from the parents’ custody, based on his sibling having been molested in the home of a parent.

⁹ Those appeals are currently pending in case No. A154789.

In June 2018, Mother and boyfriend had moved to San Bernardino County to be closer to Mother's family. The court had ordered the case transferred to San Bernardino County in July, but San Bernardino County did not accept the transfer and sent the case back to Sonoma County.

The Department recommended that Mother's reunification services be terminated and that the matter be set for a section 366.26 hearing as to both F.K. and S.K.

At the December 17, 2018, 18-month hearing, the court first heard argument on Mother's section 388 petition for modification, in which she had asked the court to transfer the case back to San Bernardino County, after the San Bernardino County court rejected the first transfer order. Counsel for the Department stated that she believed jurisdiction was properly in San Bernardino County but, given the San Bernardino County court's rejection of the transfer, the Department continued to provide services to avoid keeping the family "in limbo." The court deferred ruling on the request to transfer the case until the conclusion of the hearing.

Social Worker Hillary Conrad testified that S.K. was having increased anxiety-related behaviors before visits with Mother, including tantrums that made it hard for the foster mother to get her out of the vehicle to attend visits and feigning illness to avoid visits. S.K. was presently participating in therapy.

F.K. had been approved for special education services at one of the schools attended, but Mother said she had not consented to special education services. F.K. was therefore transferred to a regular elementary school with no special education services, but had been effectively expelled from that school due to his difficult behaviors. Mother had recently said she understood F.K.'s need for special services and had verbally agreed to place him in a private school with special education services, although she had not yet signed a consent form for those services.

Conrad testified that she had a team meeting with Mother and boyfriend in July 2018, to develop a case plan, at which they discussed sex offender-based therapeutic treatment programs, specifically the SAFER program. Mother and boyfriend rejected that program because they now lived in San Bernardino County and wanted to participate

in an “individual-therapy-based program” in that county. In August, Conrad found an alternative program in San Bernardino County at the Center for Healing. She gave Mother information regarding the Center for Healing on August 24, after determining that its program involved comprehensive services and was comparable to what was offered by the SAFER program.

Conrad had had “numerous phone calls” with the Center for Healing when services there were being set up to clarify what the Department was looking for and to provide background information. Conrad had continued to be in contact with the program’s clinician to confirm Mother and boyfriend were attending and to work on how the treatment could be sustainable on an ongoing basis. Conrad testified that “[c]ommunication has been difficult in that we will play phone tag back and forth, but overall I have been in consistent communications with [the clinician] about services and really working to ensure these services can continue.”

Jeanne Smith testified that she works as a therapist at the Center for Healing, a community agency that works with children, parents, and families where sexual abuse has occurred. Smith was providing individual and conjoint therapy for Mother and her boyfriend, and had met with them eight times, which was a minimal time for progress. If the court allowed, Smith could continue to provide them with services, which she believed would require at least 12 additional months. There was also a parenting program at the Center for Healing, which would not begin until March or April of the following year. Smith would also recommend that both attend a group for perpetrators, which the Center for Healing offered periodically when there were enough parents to comprise a group. Mother had been open to treatment; she had not missed any appointments, answered questions without defensiveness, and took suggestions openly. Boyfriend was very cautious, but also had been open to treatment. Smith believed that she had built up a trusting relationship with both Mother and boyfriend.

Smith testified that both Mother and boyfriend had stated what the sexual abuse allegations were, but had not taken responsibility for the abuse the children had suffered and the trauma they described was more related to their placements than to sexual abuse.

Mother had, however, acknowledged that F.K. was sexually abused by a boy at the Sundance festival and possibly by his biological father and his girlfriend. She had not acknowledged any sexual abuse by her or her boyfriend. Boyfriend had also acknowledged that the children had been sexually abused, but not that he had a role in that abuse.

Mother testified that she had learned in therapy with Smith that it is very common for the statements of children who have been sexually abused to have inconsistencies. Mother now believed F.K. was sexually abused by Father, in part because she had now seen all of the forensic interviews with F.K. Mother had previously been in individual therapy in Sonoma County from September 2017, in person through May 2018, and then by phone after she moved to San Bernardino County, until she started therapy with Smith. Mother had also discussed issues related to sexual abuse with her prior therapist. Mother also now believed that F.K. had needed heart surgery.

Boyfriend testified that he now believed that F.K. was sexually abused by Father. He did not know whether S.K. had been abused, although he believed that she was involved in inappropriate activities with F.K., which could have been prevented with more supervision. Boyfriend believed F.K. had been severely traumatized by the sexual abuse. Boyfriend believed that Smith, the therapist from the Center for Healing, was extremely qualified. He believed there had “been a lot of progress with the sessions that we have had, and I can only look forward to more of the same.”

At the conclusion of the 18-month review hearing, the court made the following findings: “When I look at the length of time that we’re talking about here today, I do believe that from the last review that we have had until this hearing today, which encompasses more than six months for the older children, that combined in a totality[,] reasonable services have been provided.

“As reasonable services have been provided, there is no available time left for this court to allow for reunification services. I do not believe the court today, based upon the evidence, can return the two older children into the care of the mother. The court does believe a permanent plan for the older children must be come up with, and the court will

order a [section 366.26] hearing as for the two older children.” The court therefore terminated Mother’s reunification services as to F.K. and S.K. and set a section 366.26 hearing.¹⁰

At the conclusion of a second hearing on December 19, 2018, the court addressed whether to transfer F.K.’s and S.K.’s cases to San Bernardino County and made the following findings: “The parents are residents of San Bernardino County, have been residents there since at least May. They have maintained, throughout the course of the dependency proceedings here, that they wanted to reside in San Bernardino County. I’ve been hearing about San Bernardino County for years. [¶] I do believe that the parents are sincere in their desire to live in San Bernardino County, it is their county of residence. I have accordingly transferred [the half siblings] case down there.

“As for the two older children, their situations are unique. Based upon the length of time they’ve been in the system, the knowledge, safeguards, and placement that one would expect to be here this late in the game is—simply is not there. We’re pretty much where we’d be on day one of the case. We do have understanding of the children’s needs, but we really have not met those needs yet, and we’re into the case for a couple of years at least.

“So I believe that relative placement is the best choice they have, based upon the special needs of the children. That the idea of having family and relatives visit with the children, lifelong connections, would best be served in San Bernardino County. The Court does transfer this case to San Bernardino County.”¹¹

¹⁰ The court then found, as to the half sibling, who was at the six-month review stage, “that reasonable services have been provided to him and that there is a likelihood that if provided with additional services, reunification is possible. So that process will continue on.” The court then transferred the half sibling’s case to San Bernardino for the 12-month review.

¹¹ In light of the transfer order, the section 388 petition requesting placement with the maternal grandmother was vacated and the section 388 petition requesting sibling visitation was withdrawn pending placement orders.

On February 14, 2018, Mother filed notices of appeal from the court's orders at the 18-month hearing, as to F.K., S.K., and their half sibling, and on January 28, Mother's boyfriend filed a notice of appeal as to his child.¹²

On January 30, 2018, Mother filed a notice of intent to file writ petition. On March 15, 2019, we stayed the section 366.26 hearing, then scheduled for April 10, 2019, pending further order of this court.¹³

DISCUSSION

Mother claims the court should not have terminated her reunification services and set a section 366.26 hearing because substantial evidence does not support the court's finding that reasonable services were provided.¹⁴ Mother bases her reasonable services argument on the alleged "delay in securing [her] the sexual abuse counseling services central to her ability to address the main protective issue to the satisfaction of the Department."

" ' "Reunification services implement 'the law's strong preference for maintaining the family relationships if at all possible.' . . . " . . . The department must make a

The record reflects that the San Bernardino juvenile court apparently ordered the case again transferred back to Sonoma County.

¹² Those appeals are currently pending in case No. A156354.

¹³ At our request, the parties have filed supplemental letter briefs related to the transfer of this case between Sonoma County and San Bernardino County. In their supplemental briefing, neither party argues that the Sonoma County juvenile court lacked jurisdiction at the time it made the orders challenged here, and we will proceed to the merits of Mother's writ petition.

We also grant respondent's unopposed request for judicial notice of recent events related to transfer in/out requests between Sonoma County and San Bernardino County. (Evid. Code, §§ 452, subd. (d)(1), 459; see *In re F.S.* (2016) 243 Cal.App.4th 799, 808, fn. 6.)

¹⁴ Mother also asserts that the court did not make a reasonable services finding as to F.K., but this is incorrect. At the conclusion of the 18-month review hearing, the court specifically found "that from the last review that we have had until this hearing today, which encompasses more than six months for the older children, that combined in a totality[,] reasonable services have been provided."

“ ‘ “good faith effort” ’ ” to provide reasonable services responsive to the unique needs of each family. . . . “[T]he plan must be specifically tailored to fit the circumstances of each family . . . , and must be designed to eliminate those conditions which led to the juvenile court’s jurisdictional finding. . . .” . . . The effort must be made to provide reasonable reunification services in spite of difficulties in doing so or the prospects of success. . . . The adequacy of the reunification plan and of the department’s efforts to provide suitable services is judged according to the circumstances of the particular case. . . . “[T]he record should show that the supervising agency identified the problems leading to the loss of custody, offered services designed to remedy those problems, maintained *reasonable* contact with the parents during the course of the service plan, and made *reasonable* efforts to assist the parents in areas where compliance proved difficult” ’ [Citations.]” (*In re K.C.* (2012) 212 Cal.App.4th 323, 329-330; accord, *Katie V. v. Superior Court.* (2005) 130 Cal.App.4th 586, 598.)

We review the juvenile court’s reasonable services finding for substantial evidence. (*Patricia W. v. Superior Court* (2016) 244 Cal.App.4th 397, 419 (*Patricia W.*).)

Here, even assuming the court could condition the setting of a section 366.26 hearing on a finding of reasonable services at this late stage of the proceedings (but see *N.M. v. Superior Court* (2016) 5 Cal.App.5th 796, 806 [unless particular circumstances set forth in section 366.22, subdivision (b) apply, court’s authority to set a section 366.26 hearing at the 18-month review hearing “ ‘is *not* conditioned on a reasonable services finding.’ ”]; *Earl L. v. Superior Court* (2011) 199 Cal.App.4th 1490, 1504 [same]), we conclude substantial evidence plainly supports the court’s reasonable services finding. (See *Patricia W.*, *supra*, 244 Cal.App.4th at p. 419.)

Specifically, with respect to the sexual abuse counseling services, the record shows that the social worker regularly met with Mother one or two times per month and had weekly email and phone communication with her, even after she moved to San Bernardino County.

Moreover, after Mother and boyfriend rejected the case plan containing a sex offender-based therapeutic treatment program in Sonoma County because they now lived in San Bernardino County and wanted to participate in an “individual-therapy-based program” in that county, the social worker investigated alternative programs in San Bernardino County. In August, Conrad found such a program in at the Center for Healing, which Mother began attending in September, after Conrad had multiple phone calls with the center, to clarify what the Department was looking for and to provide background information.¹⁵ Conrad had continued to be in contact with the program’s clinician to confirm that Mother and boyfriend were attending and to work on how the treatment could be sustainable on an ongoing basis. Both Mother and her new therapist testified about the positive impact of the therapy Mother was receiving through the Center for Healing in San Bernardino County, although the therapist believed that at least 12 additional months of therapy was necessary.

Thus, while Mother’s move to San Bernardino County made it more challenging for the Departments to provide her with timely sexual abuse treatment, once Mother made clear in July 2018 that she would not be willing to participate in such a program in Sonoma County, the social worker made reasonable efforts to connect her with an equivalent program in San Bernardino County as soon as possible.

This evidence shows that the Department made “a good faith effort to address [Mother’s] problems through services, to maintain reasonable contact with [her] during the course of the plan, and [made] reasonable efforts to assist [her] in areas where compliance prove[d] difficult.” (*Katie V. v. Superior Court, supra*, 130 Cal.App.4th at p. 598; *In re K.C., supra*, 212 Cal.App.4th at p. 330.) Substantial evidence supports the court’s finding that reasonable reunification services were provided. (See *Patricia W., supra*, 244 Cal.App.4th at p. 419.)

¹⁵ In addition, Mother had been able to continue therapy with her Sonoma County therapist by phone after she moved to San Bernardino County, until she began therapy through the Center for Healing.

DISPOSITION

The petition for extraordinary writ is denied on the merits. Our stay of the section 366.26 hearing is dissolved. Our decision is final as to this court immediately. (Cal. Rules of Court, rule 8.490(b)(2)(A).)

Kline, P.J.

We concur:

Richman, J.

Stewart, J.

In re F.K. et al. (A156346)

